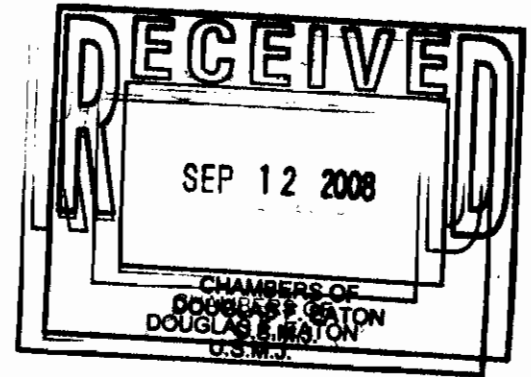


LAW OFFICES
CARMEN S. GIORDANO
225 BROADWAY, 40TH FLOOR
NEW YORK, NY 10007

(212) 406-9468
TELECOPIER (212) 406-9410
carmen@csgiordano.com

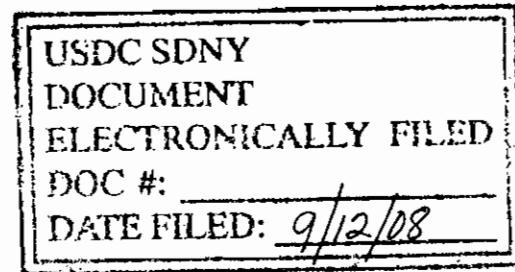
MEMO ENDORSED



September 11, 2008

VIA FACSIMILE

Honorable Douglas F. Eaton
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Mark Labrew v. The City of New York, et. al.
07 cv 4641 (DAB)(DFE)

(This is an ECF case)

Your Honor:

As ordered by the Court, the parties submit the following joint letter regarding the discovery production directed by the Court on September 10, 2008 for the Court's endorsement.

The Defendants are required to comply with the following discovery schedule as on the dates indicated as specified:

1. Defendants shall produce on or before 9/24/08 all arrest reports for the 32 hour period from 12:01 am on September 7, 2006 and up until 8 am on September 8, 2006 for the 81 Precinct. Prior to production, defendants can redact from these arrest reports: names of arrestees, NYSID numbers, dates of birth, social security numbers, relation to victim, contact information, juvenile data, phone numbers called, and police officer tax identification numbers. Defendants can also redact from the arrest number all numbers following K, except for the final two numbers. All other information shall remain on such arrest reports, including the details of the offense charged, criminal charges, description of clothing and defendant, and all other information shall not be redacted. Defendants reserve the right to redact any information that would reveal the identity of the non-party individual and/or to seek in camera review of any document containing such information. Plaintiff reserves his right to issue a follow-up discovery demand for vouchers and other items after the production of these items.

USDC SDNY
DATE SCANNED 9/12/08

MEMO ENDORSED

2. Defendants shall produce on or before 9/17/08 the audio tape of witness Tymel Jones' statement to the CCRB, or if no such tape exists, an affidavit from a CCRB employee explaining why there is no such tape. Defendants shall review the audiotapes provided and confer with Plaintiff's counsel on production of more audible tapes for those recordings that were not made at proper speed. *relating to any and all allegations*
3. Defendants shall produce by 9/24/08 those portions of the Round Robin Reports ~~for all incidents, which were referred to and substantiated by the CCRB, allegations for Defendants Sbarra, Kealy, Delumen, Larsen and Ulloa.~~ *as to* Additionally, Defendants shall produce by 9/24/08 the portions of the Round Robin Reports relating to any and all allegations of planting evidence (whether involving marijuana or not), whether such allegation was substantiated or not *as to* ~~for defendants Sbarra, Kealy, Delumen, Larsen and Ulloa.~~ *or*
4. Defense counsel shall request from the New York City Police Department all vouchers for marijuana identified in the arrest reports for item 1 at the time she receives the arrest reports. After *the* producing the arrest reports in item 1, plaintiff can request vouchers from defendants. However, the parties should confer regarding the production of vouchers, and attempt to work out a compromise so as to avoid placing a burden on defendants.
5. The parties should confer and attempt to work out compromises should an issue arise, or should production of any of the above present a burden.

The parties have requested and were granted an extension of the current case scheduling order from District Judge Batts. The parties will file ex parte letters for the settlement conference on or before October 24, 2008 and shall appear for a settlement conference on October 29, 2008 at 2 p.m. *before Magistrate Judge Eaton in Courtroom 18A.*

Respectfully submitted,

Carmen S. Giordano

9/12/08 - SO ORDERED.

Douglas F. Eaton

| |
|----------------------------|
| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: <u>9/12/08</u> |